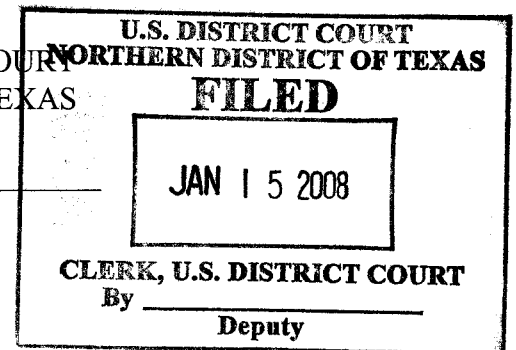


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



WILLIE FRANKLIN, PRO SE,
TDCJ-CID No. 611832,

Plaintiff,

v.

STATE OF TEXAS and
MRS. PONDER,
Neal Unit Chairman of Classification,

Defendants.

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2:07-CV-0131

ORDER OF DISMISSAL

Plaintiff WILLIE FRANKLIN, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants and was granted permission to proceed *in forma pauperis*.

On December 28, 2007, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims and recommending that the Civil Rights Claims against defendant PONDER filed pursuant to Title 42, United States Code, section 1983, by plaintiff WILLIE FRANKLIN be DISMISSED WITH PREJUDICE AS FRIVOLOUS, and plaintiff's claims against defendant the STATE OF TEXAS be DISMISSED WITHOUT PREJUDICE FOR WANT OF JURISDICTION pursuant to Rule 12(b)(1), Federal Rules of Civil Procedure.

The period for response has expired, and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Civil Rights Claims against defendant PONDER filed pursuant to Title 42, United States Code, section 1983, by plaintiff WILLIE FRANKLIN are DISMISSED WITH PREJUDICE AS FRIVOLOUS, and plaintiff's claims against defendant the STATE OF TEXAS are DISMISSED WITHOUT PREJUDICE FOR WANT OF JURISDICTION pursuant to Rule 12(b)(1), Federal Rules of Civil Procedure.

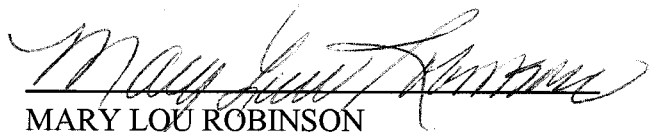
LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

IT IS SO ORDERED.

ENTERED this 15th day of January, 2008.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE